

IN THE SENATE

SENATE BILL NO. 1418

BY FINANCE COMMITTEE

AN ACT

REDUCING THE APPROPRIATION TO THE PUBLIC SCHOOL INCOME FUND FOR FISCAL YEAR 2010; APPROPRIATING ADDITIONAL MONEYS TO THE PUBLIC SCHOOL INCOME FUND FOR FISCAL YEAR 2010; REDUCING THE APPROPRIATION TO THE EDUCATIONAL SUPPORT PROGRAM/DIVISION OF OPERATIONS FOR FISCAL YEAR 2010; APPROPRIATING ADDITIONAL MONEYS TO THE EDUCATIONAL SUPPORT PROGRAM/DIVISION OF OPERATIONS FOR FISCAL YEAR 2010; STATING FUND SOURCES FOR THE APPROPRIATION FOR PUBLIC SCHOOLS FOR FISCAL YEAR 2011; APPROPRIATING MONEYS FOR THE TRANSFER TO THE PUBLIC SCHOOL INCOME FUND; APPROPRIATING MONEYS TO THE EDUCATIONAL SUPPORT PROGRAM/DIVISION OF ADMINISTRATORS FOR FISCAL YEAR 2011; APPROPRIATING MONEYS TO THE EDUCATIONAL SUPPORT PROGRAM/DIVISION OF TEACHERS FOR FISCAL YEAR 2011; APPROPRIATING MONEYS TO THE EDUCATIONAL SUPPORT PROGRAM/DIVISION OF OPERATIONS FOR FISCAL YEAR 2011; APPROPRIATING MONEYS TO THE EDUCATIONAL SUPPORT PROGRAM/DIVISION OF CHILDREN'S PROGRAMS FOR FISCAL YEAR 2011; APPROPRIATING MONEYS TO THE EDUCATIONAL SUPPORT PROGRAM/DIVISION OF FACILITIES FOR FISCAL YEAR 2011; TRANSFERRING \$14,400,000 FROM THE GENERAL FUND TO THE BOND LEVY EQUALIZATION FUND; LIMITING THE AMOUNT OF REVENUE DISTRIBUTED TO THE GENERAL FUND; APPROPRIATING MONEYS TO THE EDUCATIONAL SUPPORT PROGRAM/DIVISION OF EDUCATIONAL SERVICES FOR THE DEAF AND THE BLIND FOR FISCAL YEAR 2011; EXPRESSING LEGISLATIVE INTENT THAT CERTAIN STATE FUNDED BENEFITS BE PAID; EXPRESSING LEGISLATIVE INTENT RELATING TO UNEMPLOYMENT INSURANCE; AMENDING SECTION 33-1004E, IDAHO CODE, TO PROVIDE FOR DECREASES IN BASE SALARIES, MINIMUM SALARY AND MASTER TEACHER AWARDS; DIRECTING THAT \$754,300 BE DISTRIBUTED FOR THE REPLACEMENT OF CERTAIN LEVY FUNDS; PROVIDING THAT THE FUNDS FROM THE SCHOOL DISTRICT BUILDING ACCOUNT BE USED AS DISCRETIONARY FUNDS; PROVIDING THAT \$7,481,400 OF TOBACCO, CIGARETTE AND LOTTERY INCOME TAX FUNDS AND \$3,300,000 OF DRIVER'S TRAINING FUNDS BE USED AS DISCRETIONARY FUNDS; PROVIDING THAT NO MONEYS BE APPROPRIATED DIRECTLY FOR THE EXPECTANT OR DELIVERED MOTHERS PROGRAM; PROVIDING AN ESTIMATE OF DISCRETIONARY FUNDS PER SUPPORT UNIT AND PLACING RESTRICTIONS ON THE USE OF DISCRETIONARY FUNDS; PROVIDING FOR A TEN PERCENT REDUCTION IN TRANSPORTATION COSTS; DIRECTING THE USE OF \$318,600 OF TOBACCO, CIGARETTE AND LOTTERY INCOME TAX MONEYS; DIRECTING THE USE OF SAFE AND DRUG-FREE SCHOOLS MONEYS; DIRECTING THE USE OF \$9,400,000 FOR CHILDREN'S PROGRAMS AND TECHNOLOGY INITIATIVES; DIRECTING THE USE OF \$4,000,000 FOR LIMITED ENGLISH PROFICIENCY PROGRAMS; DIRECTING THE USE OF \$5,000,000 FOR THE IDAHO DIGITAL LEARNING ACADEMY; GRANTING THE AUTHORITY TO TRANSFER FUNDS AMONG FIVE DIVISIONS OF THE EDUCATIONAL SUPPORT PROGRAM; RELIEVING THE STATE OF THE REQUIREMENT TO PROVIDE SCHOOL MAINTENANCE MATCHING FUNDS; GRANTING THE AUTHORITY TO DEPOSIT FUNDS INTO CERTAIN RESERVE ACCOUNTS; AMENDING SECTION 33-1004A, IDAHO CODE, RESTRICTING MOVEMENT FOR EXPERIENCE AND EDUCATION ON THE MULTIPLIER TABLE; AMENDING SECTION 33-1006, IDAHO CODE, TO REVISE SPECIFIC TRANSPORTATION COSTS AS

NONREIMBURSABLE; DECLARING THAT CERTAIN PROVISIONS OF SECTION 33-522, IDAHO CODE, ARE MET FOR ALL SCHOOL DISTRICTS; PROVIDING THAT THE CONDITIONS OF SECTION 33-522, IDAHO CODE, SATISFY THE CONDITIONS OF SECTION 33-515(3), IDAHO CODE; DIRECTING THE USE OF CERTAIN FISCAL YEAR 2010 APPROPRIATIONS; AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. Notwithstanding any other provision of law to the contrary, the amount appropriated and transferred to the Public School Income Fund in Section 2, Chapter 272, Laws of 2009, is hereby reduced by the following amount from the listed fund for the period July 1, 2009, through June 30, 2010:

FROM:	
General Fund	\$82,771,300

SECTION 2. In addition to the amount appropriated and transferred to the Public School Income Fund in Section 2, Chapter 272, Laws of 2009, there is hereby appropriated and transferred the following amount from the listed fund for the period July 1, 2009, through June 30, 2010:

FROM:	
Public Education Stabilization Fund	\$49,255,500

SECTION 3. Notwithstanding any other provision of law to the contrary, the amount appropriated to the Educational Support Program/Division of Operations in Section 3, Chapter 272, Laws of 2009, is hereby reduced by the following amount from the listed fund for the period July 1, 2009, through June 30, 2010:

FROM:	
Public School Income Fund	\$33,515,800

SECTION 4. In addition to the appropriation made in Section 3, Chapter 272, Laws of 2009, there is hereby appropriated to the Educational Support Program/Division of Operations the following amount to be expended from the listed fund for the period July 1, 2009, through June 30, 2010:

FROM:	
American Reinvestment Fund	\$33,515,800

SECTION 5. The following amount shall be expended from state sources for the Educational Support Program for the period July 1, 2010, through June 30, 2011:

FROM:	
General Fund	\$1,214,280,400
Bond Levy Equalization Fund	3,500,000
School District Building Fund	17,125,000
Driver's Training Fund	3,300,000
American Reinvestment Fund	7,406,300
Miscellaneous Revenue	184,200

1	Public Schools Other Income	5,000,000
2	School for the Deaf and the Blind Endowment	98,800
3	Cigarette, Tobacco and Lottery Income Taxes	7,800,000
4	Public Education Stabilization Fund	754,300
5	Public School Endowment Earnings Reserve Fund Transfer	53,292,400
6	Federal Grant	<u>269,587,100</u>
7	TOTAL	\$1,582,328,500

8 SECTION 6. Notwithstanding the provisions of Sections 33-907, 33-1018,
9 33-1018A and 33-1018B, Idaho Code, there is hereby appropriated the follow-
10 ing amounts to be transferred to the Public School Income Fund for the period
11 July 1, 2010, through June 30, 2011:
12 FROM:

13	General Fund	\$1,199,880,400
14	Public Education Stabilization Fund	<u>754,300</u>
15	TOTAL	\$1,200,634,700

16 SECTION 7. There is hereby appropriated to the Educational Support Pro-
17 gram/Division of Administrators, pursuant to law and the provisions of this
18 act, the following amount to be expended from the listed funds for the period
19 July 1, 2010, through June 30, 2011:
20 FROM:

21	Public School Income Fund	\$76,138,900
22	American Reinvestment Fund	<u>434,500</u>
23	TOTAL	\$76,573,400

24 SECTION 8. There is hereby appropriated to the Educational Support Pro-
25 gram/Division of Teachers, pursuant to law and the provisions of this act,
26 the following amount to be expended from the listed funds for the period July
27 1, 2010, through June 30, 2011:
28 FROM:

29	Public School Income Fund	\$684,694,100
30	American Reinvestment Fund	3,921,800
31	Federal Grant Fund	<u>30,000,000</u>
32	TOTAL	\$718,615,900

33 SECTION 9. There is hereby appropriated to the Educational Support Pro-
34 gram/Division of Operations, pursuant to law and the provisions of this act,
35 the following amount to be expended from the listed funds for the period July
36 1, 2010, through June 30, 2011:
37 FROM:

38	Public School Income Fund	\$473,112,500
39	School District Building Fund	17,125,000
40	Driver's Training Fund	3,300,000
41	American Reinvestment Fund	3,050,000
42	Federal Grant Fund	<u>8,000,000</u>
43	TOTAL	\$504,587,500

SECTION 10. There is hereby appropriated to the Educational Support Program/Division of Children's Programs pursuant to law and the provisions of this act, the following amount to be expended from the listed funds for the period July 1, 2010, through June 30, 2011:

FROM:

Public School Income Fund	\$25,702,900
Federal Grant Fund	<u>231,383,000</u>
TOTAL	\$257,085,900

SECTION 11. There is hereby appropriated to the Educational Support Program/Division of Facilities, pursuant to law and the provisions of this act, the following amount to be expended from the listed funds for the period July 1, 2010, through June 30, 2011:

FROM:

General Fund	\$14,400,000
Bond Levy Equalization Fund	<u>3,500,000</u>
TOTAL	\$17,900,000

SECTION 12. Of the General Fund moneys appropriated in Section 11 of this act to support the provisions of Section 33-906, Idaho Code, \$14,400,000 is hereby transferred from the General Fund to the Bond Levy Equalization Fund.

SECTION 13. The provisions of subsection (4) of Section 63-2520, Idaho Code, notwithstanding, the amount of revenue distributed to the General Fund shall be \$14,400,000 for the period July 1, 2010, through June 30, 2011.

SECTION 14. There is hereby appropriated to the Educational Support Program/Educational Services for the Deaf and the Blind, pursuant to law and the provisions of this act, the following amount to be expended from the listed funds for the period July 1, 2010, through June 30, 2011:

FROM:

Public School Income Fund	\$7,078,700
Miscellaneous Revenue	184,200
School for the Deaf and the Blind Endowment	98,800
Federal Grant Fund	<u>204,100</u>
TOTAL	\$7,565,800

SECTION 15. It is legislative intent that public school employee benefits paid by the state, pursuant to Section 33-1004F, Idaho Code, be paid for all eligible employees that a school district or charter school actually employs with its salary-based apportionment allotment, regardless of whether such employees are categorized as administrative, instructional or classified staff.

SECTION 16. Of the moneys appropriated in Section 3 of this act, the amount necessary for the Unemployment Insurance Program shall be expended according to Section 72-1349A, Idaho Code, for the period July 1, 2010, through June 30, 2011.

SECTION 17. That Section 33-1004E, Idaho Code, be, and the same is hereby amended to read as follows:

33-1004E. DISTRICT'S SALARY-BASED APPORTIONMENT. Each district shall be entitled to a salary-based apportionment calculated as provided in this section.

1. To determine the apportionment for instructional staff, first determine the district average experience and education index by placing all eligible district certificated instructional employees on the statewide index provided in section 33-1004A, Idaho Code. The resulting average is the district index. Districts with an index above the state average index shall receive their actual index but not more than the state average plus .03 for the 1994-95 school year, and shall receive their actual index but not more than the state average plus .06 for the 1995-96 school year, and thereafter shall receive their actual district index. The district instructional staff index shall be multiplied by the instructional base salary of ~~\$24,567~~\$23,565. The amount so determined shall be multiplied by the district staff allowance for instructional staff determined as provided in section 33-1004(2), Idaho Code. The instructional salary allocation shall be further increased by the amount necessary for each full-time equivalent instructional staff member placed on the experience and education index to be allocated at least the minimum salary mandated by this section. Full-time instructional staff salaries shall be determined from a salary schedule developed by each district and submitted to the state department of education. No full-time instructional staff member shall be paid less than ~~\$30,915~~\$29,655. If an instructional staff member has been certified by the national board for professional teaching standards, the staff member shall be designated as a master teacher and receive \$2,000 per year for five (5) years. The instructional salary shall be increased by \$2,000 for each master teacher provided however, that no such awards shall be paid for the period July 1, 2010, through June 30, 2011, nor shall any liabilities accrue or payments be made pursuant to this section in the future to any individuals who would have otherwise qualified for a payment during this stated time period. The resulting amount is the district's salary-based apportionment for instructional staff. For purposes of this section, teachers qualifying for the salary increase as master teacher shall be those who have been recognized as national board certified teachers as of July 1 of each year.

2. To determine the apportionment for district administrative staff, first determine the district average experience and education index by placing all eligible certificated administrative employees on the statewide index provided in section 33-1004A, Idaho Code. The resulting average is the district index. Districts with an index above the state average index shall receive their actual index but not more than the state average plus .03 for the school year 1994-95, and shall receive their actual index but not more than the state average index plus .06 for the 1995-96 school year, and thereafter shall receive their actual district index. The district administrative staff index shall be multiplied by the base salary of ~~\$34,705~~\$32,441. The amount so determined shall be multiplied by the district staff allowance for administrative staff determined as provided in section

1 33-1004(3), Idaho Code. The resulting amount is the district's salary-based
2 apportionment for administrative staff.

3 3. To determine the apportionment for classified staff, multiply
4 ~~\$19,840~~19,041 by the district classified staff allowance determined as
5 provided in section 33-1004(4), Idaho Code. The amount so determined is the
6 district's apportionment for classified staff.

7 4. The district's salary-based apportionment shall be the sum of the
8 apportionments calculated in subsections 1., 2. and 3., of this section,
9 plus the benefit apportionment as provided in section 33-1004F, Idaho Code.

10 SECTION 18. Of the moneys appropriated in Section 8 of this act, the
11 Superintendent of Public Instruction shall distribute \$754,300 to school
12 districts, allocated according to the same proportions as the moneys dis-
13 tributed in fiscal year 2007, pursuant to Section 63-3638(10), Idaho Code,
14 for the replacement of school maintenance and operation levy funds.

15 SECTION 19. Notwithstanding the provisions of Sections 33-905 and
16 33-1019, Idaho Code, for the period July 1, 2010, through June 30, 2011,
17 all moneys appropriated from the School District Building Account shall be
18 distributed as discretionary funds and school districts and charter schools
19 are hereby relieved of any restrictions on the use of such funds, apart from
20 restrictions that apply to the use of discretionary funds.

21 SECTION 20. Notwithstanding the provisions of any law to the contrary,
22 of the moneys appropriated in Section 3 of this act, up to \$7,481,400 from
23 funds determined by available Tobacco, Cigarette and Lottery income tax
24 revenues accruing pursuant to Sections 63-2506, 63-2552A and 67-7439, Idaho
25 Code, and \$3,300,000 from revenues accruing to the Driver's Training Fund
26 pursuant to Sections 49-306(8)(g) and (i) and 49-307, Idaho Code, for the
27 period July 1, 2010, through June 30, 2011, shall be distributed as discre-
28 tionary funds, and school districts and charter schools are hereby relieved
29 of any restrictions on the use of such funds, apart from restrictions that
30 apply to the use of discretionary funds.

31 SECTION 21. No moneys shall be distributed for programs for expectant
32 or delivered mothers for the period July 1, 2010, through June 30, 2011, the
33 provisions of Sections 33-1002, 33-2006 and 33-2007, Idaho Code, notwith-
34 standing.

35 SECTION 22. Pursuant to the provisions of Section 33-1018, Idaho Code,
36 it is estimated that the appropriation of state funds to the Educational
37 Support Program/Division of Operations will result in total discretionary
38 funds of \$21,795 per support unit. Notwithstanding the provisions of any
39 law to the contrary, for the period July 1, 2010, through June 30, 2011,
40 discretionary funds shall not be used to augment an employee's salary
41 or wages above those which were received during the previous year at the
42 same school district or charter school. School districts shall report
43 to the Superintendent of Public Instruction as to how state appropriated
44 discretionary funds were expended during the period July 1, 2010, through
45 June 30, 2011, in a format prescribed by the Superintendent of Public

1 Instruction. The Superintendent of Public Instruction shall report to the
2 Joint Finance-Appropriations Committee and the House and Senate Education
3 Committees by no later than February 1, 2012, on school district uses of
4 state appropriated discretionary funds.

5 SECTION 23. Notwithstanding the provisions of Section 33-1006, Idaho
6 Code, for the period July 1, 2010, through June 30, 2011, the total moneys
7 paid to school districts for eligible transportation costs shall be reduced
8 by ten percent (10%).

9 SECTION 24. Of the moneys appropriated in Section 3 of this act,
10 \$318,600 from funds determined by available revenues accruing pursuant to
11 Sections 63-2506 and 63-2552A, Idaho Code, and other such moneys that may
12 become available pursuant to Idaho laws, for the period July 1, 2010, through
13 June 30, 2011, shall be distributed as follows: the provisions of Section
14 63-2552A(3), Idaho Code, notwithstanding, \$200,000 shall be remitted to
15 the Idaho State Police; \$40,000 may be utilized by the Superintendent of
16 Public Instruction for program administration, technical assistance and
17 evaluation; and up to \$78,600 in grants may be authorized to the Commission
18 on Hispanic Affairs.

19 SECTION 25. It is legislative intent that school districts continuing
20 to use discretionary funds for safe and drug-free purposes may include the
21 following:

22 (1) Prevention programs, student assistance programs that address
23 early identification and referral, and aftercare.

24 (2) An advisory board to assist each district in making decisions re-
25 lating to their program.

26 SECTION 26. Of the moneys appropriated in Section 3 of this act,
27 \$9,400,000 shall be used for literacy programs, as outlined in Sections
28 33-1207A(2), 33-1614 and 33-1615, Idaho Code, remedial coursework for
29 students failing to achieve proficiency in the Idaho Standards Achievement
30 Test and to fund computerized remediation services to schools, and math
31 initiative efforts, in dollar amounts determined by the Superintendent
32 of Public Instruction. Of this amount, up to \$120,000 may be expended
33 by the Superintendent of Public Instruction for staff support related to
34 the implementation and coordination of technology initiatives in public
35 schools, including the state's longitudinal data project. It is legislative
36 intent that the State Board of Education and State Department of Education
37 coordinate federally funded literacy programs with state literacy pro-
38 grams, resulting in well-coordinated, complementary literacy efforts. The
39 Superintendent of Public Instruction shall report to the Joint Finance-Appropriations Committee and the House and Senate Education Committees, by no
40 later than February 1, 2012, on the uses of funds and effectiveness of the
41 programs and efforts.

43 SECTION 27. Of the moneys appropriated in Section 3 of this act,
44 \$4,000,000 shall be distributed for support of programs for students with
45 non-English or limited English proficiency, as follows:

1 (1) The State Department of Education shall distribute \$3,500,000 to
2 school districts pro rata, based upon the population of limited English pro-
3 ficient students under criteria established by the department.

4 (2) The State Department of Education shall use \$500,000 to continue
5 the competitive grant program for school districts in which the population
6 of English language learners failed to meet Adequate Yearly Progress (AYP)
7 in math or reading, as defined in federal law. Of this amount, \$450,000 shall
8 be distributed annually to school districts in three (3) year grant cycles,
9 in which the recipients will receive full grant awards each of the three (3)
10 years, contingent on appropriation. The remaining \$50,000 will be used for
11 evaluation and administration of the program.

12 (3) The department shall develop the program elements governing the
13 use of these funds, modeled on the training, intervention and remediation
14 elements of the literacy program described in Section 26 of this act. The
15 purpose of these funds is to improve the English language skills of English
16 language learners, to enable such students to better access the educational
17 opportunities offered in public schools. The Superintendent of Public
18 Instruction shall report to the Joint Finance-Appropriations Committee and
19 the House and Senate Education Committees by no later than February 1, 2012,
20 on the program design, uses of funds and effectiveness of the program.

21 SECTION 28. Notwithstanding Section 33-1020, Idaho Code, the Idaho
22 Digital Learning Academy (IDLA), created pursuant to Chapter 55, Title 33,
23 Idaho Code, shall utilize state appropriated funds not to exceed \$5,000,000
24 for the period July 1, 2010, through June 30, 2011, to achieve the following:

25 (1) Tuition charged by IDLA to Idaho students shall not increase by more
26 than \$50.00 per enrollment.

27 (2) Provide remedial coursework for students failing to achieve profi-
28 ciency in one (1) or more areas of the Idaho Standards Achievement Test.

29 (3) Pursuant to the fiscal impact statement for the State Board of Ed-
30 ucation rule, IDAPA 08.02.03, Docket Number 08-0203-0605, provide advanced
31 learning opportunities for students.

32 (4) Pursuant to State Board of Education rule, IDAPA 08.02.03, Docket
33 Number 08-0203-0605, work with institutions of higher education to provide
34 dual credit coursework. The preceding list shall not be construed as exclud-
35 ing other instruction and training that may be provided by the Idaho Digital
36 Learning Academy.

37 SECTION 29. The State Department of Education is hereby granted the au-
38 thority to transfer funds between the Administrators, Teachers, Operations,
39 Children's Programs, and Facilities divisions of the Educational Support
40 Program budget, in any amount necessary, to comply with the public school
41 funding provisions of appropriations and the Idaho Code.

42 SECTION 30. The provisions of Sections 33-1018B and 33-1019, Idaho
43 Code, notwithstanding, for the period July 1, 2010, through June 30, 2011,
44 only, the state is hereby temporarily relieved from the requirement to pro-
45 vide its portion of the school maintenance matching funds normally required
46 by such sections, nor shall school districts be required to make up such
47 portion that would otherwise be provided by the state.

SECTION 31. The Idaho Bureau of Educational Services for the Deaf and the Blind may deposit General Funds appropriated in Section 1, Chapter 204, Laws of 2009, into a contingency reserve fund created pursuant to Section 33-3409, Idaho Code. If such deposit of funds exceeds the amount that may be deposited in the contingency fund, pursuant to the provisions of Section 33-3409, then those funds shall be deposited into the Public Education Stabilization Fund.

SECTION 32. That Section 33-1004A, Idaho Code, be, and the same is hereby amended to read as follows:

33-1004A. EXPERIENCE AND EDUCATION MULTIPLIER. Each instructional and administrative staff position shall be assigned an appropriate multiplier based upon the following table:

EXPERIENCE AND EDUCATION

		MA						
		MA		MA + 12		MA + 24		MA + 36
Years	BA	BA + 12	BA + 24	BA + 36	BA + 48	BA + 60	ES/DR	
0	1.00000	1.03750	1.07640	1.11680	1.15870	1.20220	1.24730	
1	1.03750	1.07640	1.11680	1.15870	1.20220	1.24730	1.29410	
2	1.07640	1.11680	1.15870	1.20220	1.24730	1.29410	1.34260	
3	1.11680	1.15870	1.20220	1.24730	1.29410	1.34260	1.39290	
4	1.15870	1.20220	1.24730	1.29410	1.34260	1.39290	1.44510	
5	1.20220	1.24730	1.29410	1.34260	1.39290	1.44510	1.49930	
6	1.24730	1.29410	1.34260	1.39290	1.44510	1.49930	1.55550	
7	1.29410	1.34260	1.39290	1.44510	1.49930	1.55550	1.61380	
8	1.34260	1.39290	1.44510	1.49930	1.55550	1.61380	1.67430	
9	1.39290	1.44510	1.49930	1.55550	1.61380	1.67430	1.73710	
10	1.39290	1.49930	1.55550	1.61380	1.67430	1.73710	1.80220	
11	1.39290	1.49930	1.55550	1.61380	1.73710	1.80220	1.86980	
12	1.39290	1.49930	1.55550	1.61380	1.73710	1.86980	1.93990	
13 or more	1.39290	1.49930	1.55550	1.61380	1.73710	1.86980	2.01260	

In determining the experience factor, the actual years of teaching or administrative service in a public school, in an accredited private or parochial school, or beginning in the 2005-06 school year and thereafter in an accredited college or university shall be credited, minus ~~one~~ two (~~1~~2); provided however, that the experience factor cannot be less than zero (0).

In determining the education factor, only credits earned after initial certification, based upon a transcript on file with the teacher certification office of the state department of education, earned at an institution of higher education accredited by the state board of education or a regional accrediting association, shall be allowed. Instructional staff whose initial certificate is an occupational specialist certificate shall be treated as BA degree prepared instructional staff. Credits earned by such occupational

1 specialist instructional staff after initial certification shall be cred-
 2 ited toward the education factor. For the time period July 1, 2010, through
 3 June 30, 2011, instructional and administrative staff shall not advance on
 4 the education portion of the multiplier table.

5 In determining the statewide average multiplier for instructional
 6 staff, no multiplier in excess of 1.59092 shall be used. If the actual
 7 statewide average multiplier for instructional staff, as determined by this
 8 section, exceeds 1.59092, then each school district's instructional staff
 9 multiplier shall be multiplied by the result of 1.59092 divided by the actual
 10 statewide average multiplier for instructional staff.

11 In determining the statewide average multiplier for administrative
 12 staff, no multiplier in excess of 1.86643 shall be used. If the actual
 13 statewide average multiplier for administrative staff, as determined by
 14 this section, exceeds 1.86643, then each school district's administrative
 15 staff multiplier shall be multiplied by the result of 1.86643 divided by the
 16 actual statewide average multiplier for administrative staff.

17 SECTION 33. That Section 33-1006, Idaho Code, be, and the same is hereby
 18 amended to read as follows:

19 33-1006. TRANSPORTATION SUPPORT PROGRAM. (1) The state board of
 20 education shall determine what costs of transporting pupils, including
 21 maintenance, operation and depreciation of basic vehicles, insurance,
 22 payments under contract with other public transportation providers whose
 23 vehicles used to transport pupils comply with federal transit adminis-
 24 tration regulations, "bus testing," 49 C.F.R. part 665, and any revision
 25 thereto, as provided in subsection (4) (d) of this section, or other state de-
 26 partment of education approved private transportation providers, salaries
 27 of drivers, and any other costs, shall be allowable in computing the trans-
 28 portation support program of school districts. Provided however, that
 29 the only miles for which costs may be reimbursed, shall be those directly
 30 associated with transporting students for the purposes of regular school
 31 attendance during regular days and hours, ~~or for approved school activities~~
 32 ~~as provided in subsection (4) of this section.~~

33 (2) Any costs associated with the addition of vehicle features that are
 34 not part of the basic vehicle shall not be allowable in computing the trans-
 35 portation support program of school districts. A basic vehicle is hereby de-
 36 fined as the cost of the vehicle without optional features, plus the addition
 37 of essential safety features and features necessary for the transportation
 38 of pupils with disabilities.

39 (3) Each school district shall maintain records and make reports as are
 40 required for the purposes of this section.

41 (4) The transportation support program of a school district shall be
 42 based upon the allowable costs of:

43 (a) Transporting public school pupils one and one-half (1 1/2) miles or
 44 more to school;

45 (b) Transporting pupils less than one and one-half (1 1/2) miles as pro-
 46 vided in section 33-1501, Idaho Code, when approved by the state board
 47 of education;

1 (c) The costs of payments when transportation is not furnished, as pro-
 2 vided in section 33-1503, Idaho Code;

3 (d) The transportation program for grades six (6) through twelve (12),
 4 upon the costs of payments pursuant to a contract with other public or
 5 private transportation providers entered into as provided in section
 6 33-1510, Idaho Code, if the school district establishes that the reim-
 7 bursable costs of transportation under the contract are equal to or less
 8 than the costs for school buses;

9 ~~(e) The costs of providing transportation to and from approved school~~
 10 ~~activities as may be approved by rules of the state board of education;~~

11 ~~(f)~~ The employer's share of contributions to the public employee re-
 12 tirement system and to social security.

13 (5) The state's share of the transportation support program shall be
 14 fifty percent (50%) of reimbursable transportation costs of the district
 15 incurred during the immediately preceding state fiscal year, except for
 16 the cost of state department of education training and fee assessments
 17 and bus depreciation and maintenance, for which the state's share shall be
 18 eighty-five percent (85%) of such costs. For school districts that contract
 19 for pupil transportation services, the state's share shall be the average
 20 state share of costs for district-run operations, based on the statewide
 21 total of such costs. Provided however, that the reimbursable costs for
 22 any school district shall not exceed one hundred three percent (103%)
 23 of the statewide average reimbursable cost per mile or the state average
 24 reimbursable cost per student rider, whichever is more advantageous to the
 25 school district. If a school district's costs exceed the one hundred three
 26 percent (103%) limit when computed by the more advantageous of the two (2)
 27 methods, that school district shall be reimbursed at the appropriate per-
 28 centage designated by this subsection, multiplied by the maximum limit for
 29 whichever method is more favorable to the school district. A school district
 30 may appeal the application of the one hundred three percent (103%) limit on
 31 reimbursable costs to the state board of education, which may establish for
 32 that district a new percentile limit for reimbursable costs compared to the
 33 statewide average, which is higher than one hundred three percent (103%).
 34 In doing so, the state board of education may set a new limit that is greater
 35 than one hundred three percent (103%), but is less than the percentile limit
 36 requested by the school district. However, the percentage increase in the
 37 one hundred three percent (103%) cap shall not exceed the percentage of the
 38 district's bus runs that qualify as a hardship bus run, pursuant to this
 39 subsection. Any costs above the new level established by the state board of
 40 education shall not be reimbursed. Such a change shall only be granted by the
 41 state board of education for hardship bus runs. To qualify as a hardship bus
 42 run, such bus run shall meet at least two (2) of the following criteria:

43 (a) The number of student riders per mile is less than fifty percent
 44 (50%) of the statewide average number of student riders per mile;

45 (b) Less than a majority of the miles on the bus run are by paved sur-
 46 face, concrete or asphalt, road;

47 (c) Over ten percent (10%) of the miles driven on the bus run are a five
 48 percent (5%) slope or greater.

49 The legislative audits section of the legislative services office shall re-
 50 view cap increases granted by the state board of education pursuant to this

1 section, and shall include findings in the board's regular audit report for
 2 any instances in which such increases failed to meet the standards set forth
 3 in this subsection.

4 (6) Beginning on July 1, 2005, any eligible home-based public virtual
 5 school may claim transportation reimbursement for the prior fiscal year's
 6 cost of providing educational services to students. In order to be eligible,
 7 such a school shall have at least one (1) average daily attendance divisor,
 8 pursuant to section 33-1002, Idaho Code, that is greater than the median
 9 divisor shown for any category of pupils, among the actual divisors listed.
 10 For the purposes of paragraphs (a), (b) and (c) of this subsection (6),
 11 "education provider" means the home-based public virtual school or an entity
 12 that has legally contracted with the home-based public virtual school to
 13 supply education services. Reimbursable costs shall be limited to the costs
 14 of:

15 (a) Providing an internet connection service between the student and
 16 the education provider, not including the cost of telephone service;

17 (b) Providing electronic and computer equipment used by the student
 18 to transmit educational material between the student and the education
 19 provider;

20 (c) Providing a toll-free telephone service for students to communi-
 21 cate with the education provider;

22 (d) Providing education-related, face-to-face visits by representa-
 23 tives of the home-based public virtual school, with such reimbursements
 24 limited to the mileage costs set for state employee travel by the state
 25 board of examiners; and

26 (e) Any actual pupil transportation costs that would be reimbursable if
 27 claimed by a school district.

28 The total reimbursement for such home-based public virtual schools shall be
 29 exempt from the statewide average cost per mile limitations of this section.
 30 The state's share of reimbursable costs shall be eighty-five percent (85%),
 31 subject to the statewide cost per student rider provisions of this section.
 32 For the purposes of such home-based public virtual school, the number of stu-
 33 dent riders shall be the same as the number of pupils in average daily atten-
 34 dance.

35 (7) The state department of education shall calculate the amount of
 36 state funds lost in fiscal year 2010 by each school district as a result
 37 of the decrease in the state reimbursement from eighty-five percent (85%)
 38 to fifty percent (50%) of certain eligible costs, including the reduction
 39 calculated for districts that contract for pupil transportation services,
 40 and excluding any reductions made due to the limitation on reimbursable
 41 expenses, all pursuant to subsection (5) of this section. The amount so
 42 calculated shall be distributed to each school district in fiscal year 2010.
 43 For each fiscal year thereafter, the amount distributed pursuant to this
 44 subsection (7) for each school district shall be determined as follows:

45 (a) Divide the amount distributed to the district pursuant to this sub-
 46 section (7) in fiscal year 2010 by the district's support units for fis-
 47 cal year 2010;

48 (b) Multiply the result of the calculation found in subsection (7) (a)
 49 of this section by the number of support units in the current fiscal
 50 year;

(c) Determine the percentage change in statewide transportation reimbursements as provided for in subsection (5) of this section since fiscal year 2010;

(d) Determine the percentage change in statewide student enrollment since fiscal year 2010;

(e) Subtract the result of the calculation found in subsection (7) (d) of this section from the result of the calculation found in subsection (7) (c) of this section;

(f) Adjust the result of the calculation found in subsection (7) (b) of this section by the percentage result from subsection (7) (e) of this section.

For school districts divided after fiscal year 2010, the calculation in subsection (7) (a) of this section shall still be based on the fiscal year 2010 figures for the formerly consolidated district. For public charter schools beginning operations on or after July 1, 2009, all calculations in this subsection (7) that are based on fiscal year 2010 shall instead be based on the public charter school's first fiscal year of operations. For the purposes of this subsection (7), the support units used shall be the number used for calculating salary-based apportionment. Funds distributed pursuant to this subsection (7) shall be used to defray the cost of pupil transportation. If the amount distributed is in excess of a school district's actual pupil transportation costs, less any state reimbursements provided by subsection (5) of this section, the excess funds may be used at the school district's discretion.

SECTION 34. The Idaho Legislature declares that the conditions and intent of subsection (2), paragraphs (a), (b) and (c), Section 33-522, Idaho Code, are met for all Idaho school districts for the contract year 2010-2011, and therefore, notwithstanding the provisions of Section 33-522(2) (f), Idaho Code, financial emergency status is declared for all school districts for the purposes of reopening the salary and benefits compensation aspects of the negotiated agreement, including the length of the certificated employee contracts and the amount of compensation and benefits; and if the parties to the negotiated agreement mutually agree, reopen other matters contained within the negotiated agreement directly affecting the financial circumstances in the school district in accordance with subsections (3), (4), (5) and (6) of Section 33-522, Idaho Code.

SECTION 35. The Idaho Legislature declares that the financial emergency declared in Section 34 shall be interpreted to satisfy the conditions of Section 33-515(3), Idaho Code.

SECTION 36. The provisions of Sections 6 and 7, Chapter 271, Sections 4 and 6, Chapter 272, and Sections 4, 5 and 6, Chapter 273, Laws of 2009, notwithstanding, any moneys received by the various school districts or charter schools for the purposes specified in those sections that remain unspent or unobligated at the end of fiscal year 2010, may be used for the period July 1, 2010, through June 30, 2011, at the discretion of the various school districts or charters schools according to guidance in the fiscal year 2011 Public Schools appropriation.

1 SECTION 37. An emergency existing therefor, which emergency is hereby
2 declared to exist, Sections 1, 2, 3, 4, 34 and 35 of this act shall be in full
3 force and effect on and after passage and approval.